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Chair: Mr. Gafoor (Singapore)

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The meeting was called to order at 3.05 p.m.

Agenda item 84: The rule of law at the national and international levels (A/72/86 and A/72/268)

1. **Mr. Sukhee** (Mongolia) said that strengthening the rule of law promoted justice, peace and security and was the main driver of sustainable development and respect for fundamental human rights. The rule of law had long been an integral part of his country's development agenda. His Government had adopted and achieved its own national Millennium Development Goal 9 on human rights, democratic governance and corruption, and was committed to the implementation of Sustainable Development Goal 16 on peace, justice and strong institutions.

2. Efforts had been made to align national legislation with international human rights treaties and conventions. Mongolia had abolished the death penalty in line with the Second Optional Protocol to the International Covenant on Civil and Political Rights, to which it was a party. New laws on the rights of the child and the protection of the child adopted in 2016 reflected the recommendations of the Committee on the Rights of the Child. National laws, international treaties and conventions were made available to the public in order to promote universal access to justice.

3. The best way to ensure the rule of law was to promote legal education and facilitate access to justice for all. It was also essential to address public sector corruption. To that end, the Mongolian Parliament had recently adopted a six-year national anti-corruption strategy, and the national anti-corruption agency had delivered training to more than 7,000 public officials over the past year.

4. His Government had been implementing a process of judicial reform over the past decade to strengthen the rule of law, which had resulted in the adoption and entry into force of laws concerning courts, judges, lawyers, mediation and citizen representation in courts. A law had also been adopted that required all Government entities to publish details of their expenditure and enabled any citizen to raise questions or report failings in relation to public spending. Moreover, legislative reforms had been undertaken to enhance accountability, transparency and efficiency in areas such as arbitration, criminal law and the regulation of public and private interests.

5. Multilateral treaties, conventions and instruments had an important role to play in advancing the rule of law at the international level, as did the work of international judicial bodies such as the International Criminal Court, the International Tribunal for the Law of the Sea, the International Court of Justice and the Permanent Court of Arbitration. His Government had taken steps to strengthen multilateral cooperation in the judicial sector. With the support of the United Nations Development Programme, it had implemented legal aid projects that were helping to ensure that no one was left behind in efforts to guarantee access to justice for all, in line with the right to legal assistance enshrined in the Mongolian Constitution. Capacity-building at the national and international levels, multilateral cooperation and the provision of technical assistance were needed to help developing countries contribute to the achievement of Sustainable Development Goal 16.

6. **Mr. Plasai** (Thailand) said that the rule of law was crucial to the achievement of the Sustainable Development Goals. In order for the rule of law to truly serve the people, it must be upheld first and foremost by the people. For that reason, his Government had been working for years to support the valuable efforts of the United Nations to disseminate international law. It had co-hosted four United Nations regional courses in international law and stood ready to continue that collaboration. His delegation hoped that regular and adequate funding would continue to be provided for those courses.

7. The United Nations had also supported the rule of law through its work on codification and the progressive development of international law, which promoted a clear and common understanding of positive law. Conferences convened under the auspices of the United Nations had led to the development of many important treaties, most recently the Treaty on the Prohibition of Nuclear Weapons, which his Government had signed and ratified on 20 September 2017.

8. The rule of law could ensure equal opportunities and protect persons from violations of their basic rights. It was therefore important to make a greater effort to ensure that the rule of law was respected with regard to marginalized and vulnerable groups, including women, children, older persons, persons with disabilities and incarcerated persons. That could be done through the adoption of standards such as the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules).

9. The rule of law was the best way to ensure security and predictability in personal and business relations between people in different countries. His delegation recognized the critical role of the United Nations Commission on International Trade Law (UNCITRAL) and the Hague Conference on Private

International Law in supporting the advancement of the rule of law in that regard.

10. The rule of law could also secure accountability for violations by individuals of international human rights law and international humanitarian law. His Government had demonstrated its commitment to the rule of law in that context by making a voluntary contribution to the Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic, established pursuant to General Assembly resolution 71/248.

11. **Mr. Taye** (Ethiopia) said his delegation welcomed the acknowledgement by the Secretary-General in his report (A/72/268) that there was no single model for the development of the rule of law at the national level. The report also noted that the international legal framework on climate change was still at a relatively incipient stage. In that connection, more should be done to bring about the universal adoption of the Paris Agreement and the implementation of the various other international agreements on climate change.

12. While the international legal framework and legal standards on the rights of migrants were strong, much more must be done to address the most urgent challenges concerning the protection of irregular migrants. International solidarity and cooperation, asylum systems and open-door policies were essential to deal with displacement and migration, and his delegation encouraged the Secretary-General to enhance his efforts in those areas.

13. The rule of law played an essential role in maintaining peace and security and promoting human rights and development, as the conclusion of international agreements and peaceful dispute resolution enabled compromises to be made between nations with apparently polarized interests. The dissemination of international law was thus a crucial task that States undertake jointly, through cooperation and the pooling of resources. His delegation welcomed the efforts of the United Nations to disseminate international law, in particular through the Audiovisual Library of International Law and the regional courses in international law delivered as part of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. The regional courses had increased opportunities for young lawyers to build their understanding of international law.

14. **Ms. Sande** (Uruguay) said that international law was grounded in respect for the sovereignty and equality of States and the principles of international law established in the Charter of the United Nations. Peaceful coexistence could only be achieved if States adopted and complied with treaties and other international agreements. In her country, treaties were binding immediately upon ratification. Strengthening the rule of law at the international level would require coordination, commitment, compliance with conventional and customary law and joint action to support States in their efforts to ensure that their domestic legislation provided for respect, equality, the enjoyment of human rights, the separation of powers, an independent judiciary, a democratically elected Government and a regulatory Parliament.

15. The rule of law was becoming increasingly important in the face of the urgent need for States to work together to combat terrorism and human rights violations. That would require the dissemination of international law, in particular in less developed countries; the development of knowledge of international law among prosecutorial bodies; the application of the norms of criminal law; cooperation in matters of extradition, on the basis of reciprocity in cases where there were no treaty relations; the strengthening of the international criminal justice system, including the ad hoc tribunals; and support for law of the sea tribunals and the International Court of Justice. Providing incentives for the development and codification of international law and protecting the rule of law at the national level while respecting the principles enshrined in the Charter of the United Nations should be priorities.

16. The regional courses in international law were an extremely valuable tool for promoting the development and dissemination of international law. They also encouraged communication between participants, which created essential links between the legal sectors of different States.

17. The current challenges relating to the rule of law must be addressed in a diligent, swift and effective manner through communication and the creation of networks. That would best be achieved through the Sixth Committee and the International Law Commission, as those bodies had the capacity to carry out in-depth analysis and issue informed recommendations. Such analysis should take into account emerging situations that would have to be addressed through innovative approaches.

18. **Mr. Ntonga** (Zimbabwe) said that his delegation welcomed the targeted support provided through the

Programme of Assistance, which should be strengthened through partnerships and dedicated funding. The United Nations electronic treaty database was a valuable resource for Member States and the general public. The dissemination of international trade law and the law of the sea was also making a significant contribution to the understanding of international law.

19. Development, peace and security and human rights were inextricably linked to the rule of law. The United Nations should continue to be guided by the principles enshrined in the Charter, including the sovereign equality of States, non-interference in the internal affairs of States, the right to self-determination, non-aggression, the peaceful coexistence of States and respect for the independence, sovereignty and territorial integrity of States. It should also promote the settlement of disputes by peaceful means and in accordance with international law. Small States depended on the rule of law for protection against arbitrary actions taken by the rich and powerful. Recent experiences demonstrated that violent intervention, even when ostensibly undertaken to uphold the responsibility to protect, did more harm than good. Unilateral measures taken against weaker States for narrow political purposes undermined socioeconomic development in those States. It was regrettable that such measures continued to be applied despite the calls for States to refrain from resorting to them contained in the Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels (A/RES/67/1) and the 2030 Agenda for Sustainable Development.

20. At the national level, his Government was committed to enhancing the rule of law and good governance by strengthening the national justice institutions and accountability laws. All domestic laws were now being aligned with the new Constitution, which strengthened the principle of separation of powers and established independent commissions that oversaw issues pertaining to the rights and interests of citizens.

21. His delegation would welcome the sharing of national practices in the areas of justice and the rule of law and was committed to cooperation, based on mutual understanding and respect, on matters such as capacity-building. Development and harmonious relations between States would never be achieved through force and coercion; they could only be realized if differences were addressed through multilateralism, dialogue and cooperation.

22. **Mr. Islam** (Bangladesh) said that the ongoing reform of peacekeeping operations should take due account of the assistance provided by the United Nations in the area of the rule of law. In particular, that assistance should be reflected in the prioritized and sequenced mandates that the Security Council should develop to address the changing realities on the ground. It was also important to consider how activities concerning the rule of law could be reflected in the consideration of peacebuilding matters, given that the Peacebuilding Support Office was expected to serve as a hinge between the peace and security pillar and the development and human rights pillars of the United Nations.

23. The Economic and Social Council should facilitate in-depth consideration of how the rule of law could facilitate the implementation of the 2030 Agenda. Those discussions should involve representatives of civil society organizations and provide Member States with opportunities to describe their experiences and the innovative measures they had taken in the context of the voluntary national review process. The next report of the Secretary-General on the rule of law should examine the rule of law assistance being provided under the development pillar.

24. The areas for reflection concerning mission transition, the resourcing of rule of law assistance and the role of United Nations police mentioned in the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities (A/72/268) should be considered by the Special Committee on Peacekeeping Operations. Needs-based support, which should involve results-based planning and flexible budget provision for the concerned missions, should be provided for rule of law activities on the ground. His country had, for the first time, provided two corrections officers to the United Nations Mission in South Sudan.

25. The financial difficulties of the International Criminal Court should be addressed to enable it to properly investigate and try cases referred to it by the Security Council. The Court had made significant headway in ensuring accountability for international crimes, despite the constraints under which it was operating, and its work and independence warranted strong support.

26. Bangladesh welcomed the work of the United Nations on strengthening accountability for international crimes at the national level and remained ready to share its experience in using its domestic justice system to prosecute the crimes against humanity

and genocide committed in Bangladesh during the conflict of 1971.

27. The pace of the work on the elaboration of a comprehensive convention on international terrorism should be accelerated, given the urgent need for internationally agreed norms and standards for combating terrorism and related transnational organized cybercrime. An intergovernmental normative exercise on the topic should be undertaken under the auspices of the General Assembly as soon as possible.

28. There should be sound monitoring and evaluation of the effectiveness of the global focal point arrangement for the coordination of rule of law assistance at the national level before a decision was made about scaling up that mechanism.

29. **Mr. Tun** (Myanmar) said that his Government had placed an emphasis on the rule of law in order to promote peace, stability, democracy and economic development. Action plans were being implemented to protect the legal rights of individuals, strengthen the performance of the Office of the Attorney-General, enhance the trustworthiness and integrity of the justice system and promote the rule of law. Rule of law centres had been established in various parts of the nation to provide training for lawyers, educators and civil society organizations and promote general awareness of the law. The work of the centres primarily concerned local justice issues linked to international rule of law principles such as fairness and equality. To promote better relations between the police and the general public, a series of police reforms had been introduced following the democratic transition in Myanmar. His Government was also working with other States and international organizations to combat transnational organized crime.

30. All Member States should renew their pledge to respect, support, preserve and promote the principles and purposes of the Charter of the United Nations and international law. His Government's ratification of the Paris Agreement on climate change and its recent accession to the Doha Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change reflected its firm commitment to the environment and the achievement of the Sustainable Development Goals.

31. **Ms. Nguyen** (Vietnam) said that the rule of law had a fundamental role to play in the promotion of peace, sustainable development and human rights, and also in the implementation of the 2030 Agenda. The primary cause of the continuing conflicts around the world was the failure to observe international law in good faith. The promotion of the rule of law at the international level must be based on the principles of the Charter and international law. Member States must therefore refrain from selective interpretation and application of the principles of sovereign equality, respect for sovereignty, the political independence and territorial integrity of States, non-interference in the internal affairs of States, the obligation to refrain from the threat or use of force, and the peaceful settlement of disputes. The International Court of Justice and other international judicial institutions had a crucial role to play in the peaceful settlement of disputes. Challenges such as terrorism, protracted conflict, the proliferation of weapons of mass destruction, transnational crime and climate change should be addressed through multilateral actions that were in compliance with international law.

32. Her Government was making progress towards aligning national legislation with the international agreements to which it was a party, which included the Paris Agreement and the Treaty on the Prohibition of Nuclear Weapons. As a member of the Association of Southeast Asian Nations (ASEAN), Vietnam was contributing to efforts to transform South-East Asia into a zone of peace, stability and prosperity. In that connection, all parties involved in the complex dispute concerning the East Sea, or South China Sea, should exercise self-restraint and settle the dispute by peaceful means in accordance with international law, respect diplomatic and legal processes, implement the Declaration on the Conduct of Parties in the South China Sea and expedite the completion of an effective and legally binding code of conduct.

33. The consolidation of the rule of law at the national level should respect the universally accepted fundamental principles of international law while taking into account the specific conditions of the State and the aspirations of its people. Her Government was putting into effect its 2030 Agenda implementation plan and proceeding with judicial reforms to promote the rule of law and the freedom and fundamental rights of the population. Her delegation strongly supported the role of the United Nations in the dissemination of international law and the strengthening of the rule of law at the international and national levels and hoped that the Organization would continue to support Member States in the drafting and implementation of legislation.

34. **Mr. Zhang** (China) said that his Government was committed to the consolidation of the rule of law at the international level and to safeguarding the fundamental principles of international law. All States should uphold the rule of law, exercise their rights in accordance with the law and fulfil their obligations in

good faith. Furthermore, Governments and international judicial bodies should reject double standards and the selective application of international law.

35. The dissemination of international law would play a crucial role in achieving the international rule of law. International organizations and Member States could do more to promote dialogue and cooperation to facilitate the dissemination and promotion of international law. His delegation welcomed the positive contribution of the Programme of Assistance, in particular the regional courses and the International Law Fellowship Programme. His Government made annual financial contributions to support the regional courses in Asia and Africa and the Audiovisual Library. The United Nations should make full and effective use of the Programme of Assistance to facilitate the sharing of resources and information on international law. His Government had consistently promoted the dissemination of international law and contributed its knowledge to capacity-building efforts in developing countries. Through the Exchange and Research Programme on International Law between China and the Asian-African Legal Consultative Organization, his Government had provided training for more than 100 legal professionals from developing countries.

36. Enhanced awareness-raising, education and research at the national level were important for the dissemination of international law. In that connection, his Government had made information on international law available online, engaged in public awareness-raising activities and established partnerships between government institutions and the academic sector to enhance public awareness of the latest developments. It had also made international law a required course for students majoring in law at all of the 628 institutions offering law degrees.

37. His Government stood ready to fulfil its obligations under the international rule of law; promote democratic legislation, impartial judicial practice and rigorous adherence to the law; and contribute to ensuring respect for the rule of law in international relations.

38. **Mr. Bondiuk** (Ukraine) said that global problems such as climate change, mass displacement, migration, terrorism and increasingly complex conflicts required responses grounded in the rule of law. Accordingly, his delegation endorsed the Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels.

39. The rule of law was the cornerstone of the Ukrainian legal order and a core element of the ongoing judicial, police, economic and financial reforms and decentralization process. His country had risen in the rankings of the World Justice Project Rule of Law Index following the implementation by his Government of anti-corruption measures, which had included the establishment of independent anti-corruption institutions, the development of an electronic public procurement system and banking sector reforms.

40. The promotion of the rule of law at the international level was crucial for ensuring international justice and peaceful relations between States. International law and international courts and tribunals should be strong and effective in their protection of human rights and the sovereignty and territorial integrity of States. While Ukraine was not a State party to the Rome Statute of the International Criminal Court, his Government had accorded the Court jurisdiction over crimes against humanity committed against the civilian population in the Ukrainian revolution of 2014 and war crimes perpetrated by the Russian Federation since the commencement of its ongoing military aggression against Ukraine.

41. His Government was also continuing to pursue its case against the Russian Federation, *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination*, before the International Court of Justice. The Russian Federation should fully and unconditionally implement the Court's recent order on the request for the indication of provisional measures in that case, and also the recommendations of the Office of the United Nations High Commissioner for Human Rights in its report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine (A/HRC/36/CRP.3), which contained information concerning the violations by the Russian Federation of its international legal obligations.

42. The investigation into the downing of Malaysia Airlines flight MH17 was continuing. His Government had recently ratified a bilateral treaty with the Netherlands to allow the suspects to be tried in that country. Furthermore, the five States represented on the Joint Investigation Team had signed a memorandum of understanding regarding political support for prosecuting the perpetrators.

43. It was essential to strengthen, promote and advance the rule of law. Only strong and united condemnation of all acts violating the purposes and

principles of the Charter, international law and the international order based on the rule of law could prevent the world from descending into chaos.

44. **Mr. Giorgio** (Eritrea) said that lack of compliance with international law was a root cause of many inter-State tensions and conflicts. The purposes and principles of the Charter and the principles of international law were of paramount importance for peace and security, the rule of law, economic development, social progress and human rights for all, and Member States should renew their commitment to uphold, preserve and promote them. Respect for the principles of sovereignty, territorial integrity and non-interference in the internal affairs of States would help to establish a just, secure and peaceful world order.

45. Strengthening the rule of law at the national level was critical for social and economic progress, political stability and promotion and protection of human rights. The enhancement of the capacity of the national justice system to promote the rule of law was a key component of his Government's development policy. Eritrea had taken numerous measures to achieve a peaceful and inclusive society by ensuring a comprehensive, efficient and effective justice system. Access to and participation in the justice system had been enhanced through the establishment of community courts, with community election of judges every two years; one candidate in each election must be a woman. Electing women judges had contributed to national efforts to ensure greater emancipation of women and their involvement in the judicial process.

46. New penal and civil codes and procedures designed to reflect the concepts, values and norms of society had also been developed, and the Ministry of Justice was running workshops and campaigns to ensure wider understanding of domestic laws. The Ministry had also provided capacity-building for justice system staff and introduced new systems for monitoring and assessing performance and managing court processes in order to enhance the capacity of the justice system and support the establishment of a well-functioning office to coordinate and follow up on the implementation of treaties, agreements and conventions to which Eritrea was a party.

47. His Government was cognizant that advancing the rule of law was an evolutionary process that would require sustained involvement of all stakeholders and sectors of society. It also recognized the importance of national ownership of rule of law activities. In that connection, it was important to provide Member States with enhanced technical assistance and capacity-building, upon request, to enable them to implement their international obligations at the national level.

48. **Mr. Morales López** (Colombia) said that the United Nations should strengthen its support to Member States in the implementation of the 2030 Agenda, including with regard to the promotion of the rule of law at the national and international levels and ensuring equal access to justice, which were envisaged in target 3 of Sustainable Development Goal 16 and would also contribute to the achievement of a number of the other Goals. States should also take more concerted action in that regard, as it would not be possible to implement the 2030 Agenda without strong, independent institutions that were able to guarantee fundamental freedoms and rein in excesses of power.

49. His Government had taken steps to establish a special court for peace, which would be responsible for investigating and prosecuting persons who had participated in the armed conflict in Colombia. It had also worked to improve citizen security and coexistence in the areas most affected by violence. Colombia had a strong legal tradition, but the rule of law had been undermined by the violence and inequality that had plagued the country for many years. The country was now emerging from that paradoxical situation into a new era in which it would be guided by the rule of law as a fundamental element of lasting peace. The authorities and civil society, with the support of the international community, had made great strides in their efforts to establish peace and ensure that victims were able to exercise their rights to truth, justice and reparation. A law setting out the procedures for the reintegration into society of members of armed groups operating outside the law had been adopted in 2005, which had been followed in 2011 by the adoption of a law providing for the provision of care, assistance and reparation to victims of the armed conflict. The process of adopting laws to implement the peace agreement with the Fuerzas Armadas Revolucionarias de Colombia (FARC) demonstrated the significant contribution that the rule of law could make to sustaining peace and highlighted the importance of having effective institutions in place to implement such measures.

50. His Government was committed to eradicating despotism and enhancing the well-being and prosperity of all of its citizens, and therefore welcomed the support that the United Nations could provide for the strengthening of the rule of law. The Organization's approach to that objective should be based on cooperation with States. To that end, efforts should be made to improve communication between the General Assembly, the Economic and Social Council and the

Security Council. It was important to ensure that measures adopted by the various United Nations bodies would be sustainable and effective in the long term.

51. **Ms. Krisnamurthi** (Indonesia) said that the United Nations had generally been successful in maintaining international peace and security by upholding the rule of law. However, international humanitarian law, international human rights law and Security Council resolutions continued to be violated in Palestine. Victims of atrocities deserved justice, and access to justice for individuals and States seeking to have their fundamental rights upheld was an important element of the rule of law. The United Nations should therefore do more to address impunity and send the message that no one was beyond the reach of the law.

52. To strengthen international law, Security Council resolutions should be implemented in a robust, fair and impartial manner and States should implement in good faith their treaty obligations in the areas of humanitarian, human rights and refugee law. Moreover, there must be an end to the politicization of international law within the United Nations system. That would require the reform of the Security Council and the revitalization of the General Assembly.

53. With regard to ways and means to further disseminate international law, it would be necessary to improve knowledge of international law on the part of Government officials, legal practitioners, academics and law students. Her Government was incorporating the principles and provisions of international law into its domestic legislation. Under Indonesian law, it was compulsory to disseminate information on legislation, regulations, presidential decrees and other legal instruments and to make court rulings and jurisprudence available to the general public.

54. Ensuring that international commitments were implemented at the national level would require not only political will but also the development of partnerships for capacity-building in developing countries. The United Nations could be instrumental in such efforts. The support it had received from the United Nations through the review mechanism for the implementation of the United Nations Convention against Corruption had enabled her Government to improve its national legal framework on corruption and build the capacity of law enforcement officials in that area. The review process could continue to be a useful tool for strengthening the rule of law provided that it remained transparent, efficient, inclusive, impartial and non-intrusive. In that connection, her delegation hoped that the implementation review mechanism for the United Nations Convention against Transnational Organized Crime would soon become a reality.

55. Her country had also benefitted from activities designed to familiarize national stakeholders with international legal instruments, such as the training for judges on international asset recovery provided through a collaboration between the United Nations Office on Drugs and Crime and the World Bank. Her Government was strongly in favour of the establishment of a treaty body or secretariat to facilitate and oversee the implementation of certain treaties and other legally binding instruments.

56. **Mr. Phiri** (Zambia) said that the rule of law was a core principle of governance that ensured justice and fairness for all, and its absence or failure would be one of the greatest threats to the existence of any society. For the rule of law to prevail, Governments must be bound by the laws they established. Moreover, every individual must be treated equally, have their dignity recognized and protected, and have access to justice. The rule of law thus depended to a large extent on the existence of an independent, efficient and effective judicial system. However, it should also be borne in mind that a strong judicial system could not serve the rule of law if the laws it enforced were oppressive, inhumane or directly or indirectly deprived citizens of their unalienable God-given rights.

57. It was the duty of Member States to establish the foundations and structures that would secure a more peaceful, prosperous and just world committed to the purposes and principles of the Charter, international law, justice and an international order based on the rule of law. Member States must strive, individually and collectively, to continue to strengthen the rule of law at the national and international levels. The rule of law required an independent judiciary and the separation of powers. Zambia was a party to a number of instruments that recognized judicial independence as a cornerstone of good governance, including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights.

58. His Government's vision of making Zambia a prosperous middle-income country by 2030 had led to fundamental policy shifts driven by the firm belief that good governance was a prerequisite for political stability, human security, economic growth and sustainable development. The national Legal and Justice Sector Reform Commission was currently engaged in public consultations across the country. It would ultimately ensure that all progressive provisions of the Constitution, which had been amended in 2016 following an inclusive national process, were

implemented systematically, in order to enhance the availability, accessibility, accountability, affordability and competence of the judicial system.

59. The strong rule of law at the national level played an important role in the strengthening of the rule of law at the international level. It was therefore imperative for Member States to work tirelessly to build the pillars of democracy that would guarantee the rule of law at the domestic, regional and international levels.

60. **Mr. Luna** (Brazil) said that the United Nations had been founded with the aim of building an international order based on justice and cooperation. It was regrettable that there was now a risk of the existing order being eroded and respect for the Charter undermined, in particular with regard to the use of force. The negative effect of the failure by States to respect international law not only had direct consequences — human casualties, humanitarian crises and destabilization in certain regions of the world — but also indirectly encouraged other actors to behave likewise. No country was exempt from rigorous compliance with its legal obligations. If the Charter did not remain at the centre of the international order, there would be no order. It was therefore essential to continuously reflect on the contradictions, asymmetries, gaps and weaknesses of the United Nations and to propose solutions that would help strengthen multilateralism by ensuring respect for the rule of law at the national and international levels, as well as within the Organization.

61. In Latin-based languages, the term for "rule of law" meant broadly "a state of rights". Thus, from his country's vantage point, the rule of law signified not only the establishment of enforceable standards of behaviour; it also meant promoting social inclusion through the legal empowerment of populations. Enhancing access to justice was crucial for tackling the root causes of poverty, exclusion and vulnerability, given that it facilitated the full enjoyment of rights and public services. Access to justice was more than access to courts. It also involved universal birth registration, provision of free legal aid and alternative dispute resolution. Brazil also strove to provide a legal identity for migrants, refugees and asylum seekers. Once an asylum seeker had been granted refugee status, he or she received an identity card, had access to public medical assistance and was eligible to study and to work.

62. States should provide free and effective legal aid to vulnerable populations to ensure that they were able to exercise their rights. Recourse to mediation and conciliation should be promoted, since such mechanisms were swift, cost-effective and had higher rates of acceptance and spontaneous compliance. Brazil's efforts in relation to access to courts ranged from minimizing the administrative fees and collateral costs of seeking judicial remedies to increasing the judiciary's capacity of response. Innovative tools had been developed to accelerate judicial proceedings, a task in which information technology and improved statistics had a clear role.

63. The trend of creating multilateral legal frameworks without necessarily resorting to prior work by the International Law Commission or the Sixth Committee did not necessarily translate into a diminished role for the Sixth Committee, which could and should serve as a platform to exchange views on recent developments regarding the law of treaties. As a locus for cross-fertilization, the Committee could contribute both to updating an understanding of current practice and to bringing more cohesion to the dense web of multilateral treaties. In that connection, the regulations concerning the registration and publication of treaties, which had not been amended since 1978 and made no reference to electronic resources, should be updated to reflect current practice and potentially enhance the efficiency of the registration and publication process. It was also important to support United Nations initiatives to assist Member States in the registration of treaties. An item dedicated to the review of the regulations should be included on the agenda of the seventy-third session of the General Assembly.

64. **Mr. García Moritán** (Argentina) said that the Organization's capacity-building activities were crucial for strengthening the rule of law in many countries, particularly in conflict and post-conflict situations, where strengthening judicial and law enforcement systems should be a priority. It was also essential to prevent impunity for gross violations of human rights. The Rome Statute of the International Criminal Court, one of the most significant achievements of the international community, played a central role in that respect. His Government was in favour of the prompt activation of the Court's jurisdiction over the crime of aggression, which would reaffirm that justice and the law took precedence over force in international relations.

65. His Government was committed to the implementation of Sustainable Development Goal 16 and intended to increase its efforts at the national, regional and international levels to promote access to justice for all. In that connection, in November 2016 Argentina had hosted the second International

Conference on Access to Legal Aid in Criminal Justice Systems, which had considered options for setting up a global network of legal aid providers as a means of furthering efforts to achieve target 3 of Sustainable Development Goal 16. It had also hosted the first regional seminar of the Global Alliance for Reporting Progress on Promoting Peaceful, Just and Inclusive Societies in June 2017.

66. Strengthening of democratic institutions was also a requirement for promoting the rule of law. In that regard, it was important to highlight the role that regional integration mechanisms had played in promoting the rule of law in Latin America. Argentina reaffirmed its strong commitment to the preservation of democratic institutions, the rule of law, constitutional order, social peace and full respect for human rights.

67. One of the pillars of the rule of law was the peaceful settlement of disputes, in which the International Court of Justice played a central role. In addition to the Court, various specialized courts, such as the International Tribunal for the Law of the Sea, facilitated dispute settlement. Argentina was a party of the United Nations Convention on the Law of the Sea and had accepted the jurisdiction of the International Tribunal. Other methods of international dispute settlement were also provided for in the Charter of the United Nations and mentioned in the Declaration of the High-Level Meeting of the General Assembly on the Rule of Law at the National and International Levels (A/RES/67/1). For example, the Secretary-General might also be requested to exercise his good offices for the peaceful settlement of disputes. However, in order for any means of peaceful settlement to succeed, the parties concerned must act in good faith and negotiate when called upon to do so by United Nations organs, including the General Assembly.

68. **Mr. Fintakpa Lamega** (Togo) said that Togo was a party to 222 multilateral treaties concerning all areas of international law. His Government's programme to modernize the national justice system involved enhancing the legal, institutional and organizational frameworks; improving prison administration; ensuring access to rights and fair and high-quality justice; strengthening the professional and managerial capacities of justice system staff; modernizing equipment and logistical systems; and strengthening the financing and management of the judicial system.

69. His Government was undertaking a number of reforms to promote peace, social cohesion, democracy and the rule of law, which were crucial to harmonious and sustainable development. A draft law based on the work of the Justice and Reconciliation Commission that, if adopted, would limit the time in office of the President and members of Parliament to no more than two five-year terms and introduce a two-round uninominal majority electoral system had been submitted to the National Assembly. More than two thirds but less than four fifths of the members of the National Assembly had voted in favour of the law, which meant that, in accordance with the Constitution, the matter would be put to a referendum.

70. His delegation supported the role of the Office of Legal Affairs in facilitating the development and promotion of an international framework of norms, standards and legally-binding mechanisms to resolve disputes and maintain peaceful relations between States. It also welcomed the work undertaken by the Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law to disseminate and improve understanding of international law. It appreciated the well-designed treaty collection website and encouraged the Treaty Section to organize treaty practice workshops at Headquarters and at the regional level, with a view to enhancing the capacities of legal professionals.

71. **Mr. Mohammed AlAjmi** (Kuwait) said that any country's constitution and laws should reflect its commitment to the rights and freedoms enshrined in the Universal Declaration of Human Rights. Accordingly, Kuwait had a democratic constitution that recognized the people as the source of legislative, executive and judiciary power and upheld the principle of the rule of law by ensuring that the three branches of government were separate but complementary. At the international level, Kuwait was committed to international law and conventions, the maintenance of peace and security and the peaceful resolution of disputes. When international law was violated, the political will of the international community was undermined. A case in point was the Israeli side's persistent construction of illegal settlements, which contravened all of the relevant United Nations resolutions. All available means should therefore be used to ensure that international law was respected and enforced without selectivity.

72. **Mr. Al-Sharif** (Saudi Arabia) said that his country was in the process of revising and developing its national legislation. There was no contradiction between the Islamic sharia and the rule of law; each sought to uphold justice, ethics and the public good. Saudi Arabia was endeavouring to guarantee justice and equality for all citizens. Women had voted in recent local elections, and women now accounted for 20 per cent of the Shura Council. Women had been appointed to high-level Government posts, and wage

discrimination between men and women had been prohibited. A legislative framework had been put in place to prevent violence against women and ensure that they enjoyed the same rights as men. A royal order had recently been issued to allow women to drive vehicles.

73. Saudi Arabia supported all efforts to foster international peace, security, human rights and sustainable development while combating poverty, terrorism and extremism. Its international relations were based on the principles of sovereignty and non-intervention in other States' internal affairs. The country was working to provide assistance and strengthen transitional justice in conflict-ridden States, and to ensure respect for international law, particularly with regard to refugees.

74. The United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law would help to strengthen the rule of law at the national level, and should therefore be maintained and enhanced.

75. **Mr. Jaiteh** (Gambia) said that respect for the rule of law was conducive to ensuring respect for the purposes and principles of the United Nations. For that reason, his Government had made it a priority to reform its security sector, consolidate democracy and foster inclusivity and respect for human rights and the rule of law. The country's new National Development Agenda highlighted the link between development and the rule of law, which had been underscored in the 2012 Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels. Failure to understand that connection could exacerbate poverty, injustice, insecurity and inequality. The Gambia was therefore overhauling its legal system with a view to strengthening the rule of law in accordance with international best practices.

76. **Ms. Pejic** (Serbia) said that the rule of law was of paramount importance for preventing conflict and achieving sustainable peace. It was therefore incumbent upon Member States to uphold and abide by the rule of law at all levels. At the national level, the rule of law was the principal prerequisite for stability and, consequently, economic growth and social development. At the international level, peace and security could only be achieved through justice and the rule of law. Serbia was therefore committed to the establishment of an international order that was based on the rule of law and served as the cornerstone of peaceful coexistence and cooperation among States. The rule of law also had a crucial role to play in the promotion and protection of human rights, including through the implementation of the 2030 Agenda.

77. Serbia had helped to establish the International Criminal Court and was strongly in favour of further strengthening the Court's institutional capacity and activities to enable it to fulfil its mandate to prosecute and punish the perpetrators of the most serious international crimes. All States and international organizations should cooperate fully and unconditionally with the Court and help to bring about universal acceptance of the Rome Statute.

78. The United Nations and its Member States must not tolerate impunity. For that reason, her Government had cooperated extensively with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. Serbia had also aligned its criminal legislation with international standards and conducted war crimes trials in its national courts.

79. Her delegation supported United Nations activities to promote the rule of law and the work of the Rule of Law Coordination and Resource Group, provided that they respected the principles of national sovereignty, territorial integrity and non-interference in the internal affairs of States.

80. Her Government was committed to strengthening the rule of law in order to ensure legal security for individuals and societies and promote economic growth, social development and political stability in all States.

81. **Mr. Bentaja** (Morocco) said that the rule of law was a guarantee of development and stability and remained linked to the three pillars of the United Nations: peace and security, human rights and development. His country remained committed to multilateralism, in line with the rules and principles of international law, and supported the Organization's integrated, rule-of-law approach to all aspects of international relations, based in particular on respect for the Charter of the United Nations, peaceful conflict resolution, respect for the sovereignty, national unity and territorial integrity of States, and non-interference in their internal affairs. The subject was of great importance, given the complexity of the current international environment, marked by rapid and sweeping transformations. Climate change, terrorism, population movements and organized crime were but some of the major challenges facing the world, particularly in the African continent where the recent exponential development of threats endangered States' stability and territorial integrity.

82. Following the adoption of the 2030 Agenda for Sustainable Development, the signing of the Paris Agreement and the adoption of the Call for Action by the United Nations Ocean Conference, Member States must find suitable ways of disseminating international law in order to strengthen the rule of law worldwide. They would thereby provide an essential lever for United Nations efforts to prevent armed conflict and preserve international peace and security. Aware of the importance of the Organization's role in that regard, Morocco had been actively involved since its independence in the Organization's peacekeeping operations around the world, particularly in Africa. At the same time, his country had contributed to the efforts of the national institutions concerned to restore the rule of law, notably by helping to mend judicial institutions, civil governance and public services.

83. His delegation recognized the importance of the Committee's deliberations, which formed part of the exchanges between Member States and the International Law Commission for the progressive development of international law. Together with other African members of the Committee, Morocco had been at the origin of the request for the International Law Commission to meet in New York in 2018 for an exchange of views with Member States. Morocco also appreciated the respective roles of the Security Council and the International Court of Justice in upholding the rule of law and welcomed the holding of regional seminars and courses for African, Arab and Asian States under the Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law; his delegation called for such seminars and courses to be financed from the regular budget.

84. Morocco, for its part, had hosted and organized several international conferences and meetings to promote the rule of law, while the Diplomatic Academy of Morocco, since being founded in 2011, had regularly organized seminars in international law for diplomats from its own country and from abroad. The building of an international society depended on a strengthening of the rule of law at the national level through the establishment of democratic, transparent, legitimate and credible institutions capable of meeting the needs of the population in all aspects of everyday life, in accordance with the principles of equitable and accessible justice, guaranteeing respect for the law on a basis of equality and protecting individuals so that they might effectively exercise their political, economic, social and cultural rights.

85. **Mr. Alnaqbi** (United Arab Emirates) said that his country's foreign policy was based on partnerships and the rule of law. The crises affecting the Middle East had been caused by aggressive expansionist policies. That situation made it all the more important to strengthen international peace and security, prevent disputes, foster human rights, develop economic legislation to promote investment and prosperity, and combat money-laundering, corruption, human trafficking and transnational crime.

86. His country's efforts to consolidate the rule of law in the Constitution had placed it at the forefront of the region in the World Justice Project Rule of Law Index for 2016. National legislation guaranteed fundamental freedoms, justice, security and stability; crime and corruption rates were low. The United Arab Emirates played a positive role in the international community and was a party to numerous conventions. However, certain States were violating their obligations by facilitating the financing of terrorism, harbouring terrorist groups or promoting hate speech. In order to reverse that trend, it was essential to intensify international cooperation, exchange information and hold accountable States that sponsored, financed, or encouraged terrorism and extremism.

87. **Mr. Mattar** (Egypt) said that the rule of law at the international revel should prevent the use of force to settle disputes. While significant progress had been made in formulating international law, further work was needed to raise awareness of international law and foster full compliance with binding United Nations resolutions and the judgments of international tribunals. At the international level, the principle of the rule of law must be followed in the settlement of long-standing international conflicts, putting an end to foreign occupation and combating international terrorism by refraining from providing terrorists with funds, weapons, safe haven or any other form of support.

88. The United Nations and other international and regional organizations had a key role to play in that regard. Capacity-building based on the principle of national ownership was also vital, and cooperation among countries for that purpose should be encouraged. When formulating strategies for support and technical assistance, the United Nations should adopt a more flexible approach, taking into account the different needs and priorities of each country.

89. At the national level, the stability and prosperity of countries was closely linked to respect for the rule of law. With that in mind, his Government had taken a number of steps to enhance the rule of law, including revision and updating of laws to bring them into

alignment with international norms, ratification of numerous international conventions and the provision of support to enhance the judiciary. New legislation had been enacted and a national strategy formulated with a view to combating corruption, and the Government had also undertaken a review of compliance with its obligations under the United Nations Convention against Corruption.

90. **Ms. Fernández Juárez** (Bolivarian Republic of Venezuela) said that strict observance of the Charter, including the principles of sovereignty, territorial integrity, the peaceful settlement of disputes, the prohibition of the threat of use of force and non-interference in the internal affairs of States, was crucial for the establishment of a just international order in which international rule of law, peace and security prevailed.

91. The important task of promoting the rule of law at the national and international levels would involve respecting and strengthening the political and judicial structures of States, the international legal framework and the commitment to the peaceful settlement of disputes. The rule of law had an important role to play in achieving equal relations between States. It made acts by States predictable and legitimate, strengthened the sovereign equality of States and upheld the responsibility of the State in relation to all persons under its jurisdiction.

92. The rule of law was a prerequisite for the enjoyment of human rights, including the right to development. Her delegation urged all States to refrain from adopting and applying unilateral sanctions and other economic, financial or commercial measures that undermined international law and the Charter, hindered the full economic and social development of other countries and had a negative impact on the rule of law and the peaceful coexistence of States.

93. Urgent action should be taken on the democratization of the United Nations, the revitalization of the General Assembly, the reform of the Security Council and the strengthening of the Economic and Social Council, with a view to making those organs more efficient, representative and transparent and maintaining the appropriate balance between them in accordance with the powers ascribed to them in the Charter. The achievement of the rule of law at the international level would require Security Council reform, in particular with regard to its composition and decision-making process. Moreover, the Security Council should not address or securitize matters that fell outside its purview.

94. His delegation paid special tribute to the work of the United Nations in promoting international law, that of the International Law Commission in codifying legal norms, and that of the Treaty Section of the Office of Legal Affairs in updating and promoting multilateral treaties. The Committee should consider the possibility of making the Treaty Series website available in all the official languages in order to increase its accessibility and consequently better fulfil its purpose of promoting the implementation of treaties.

95. It was also necessary to consider ways and means to develop and strengthen links between work on the rule of law and the three pillars of the United Nations. Rule of law assistance should have a broad scope that took into account challenges related to economic growth, sustainable development and the eradication of poverty. Initiatives undertaken by the Programme of Assistance, in particular academic regional activities such as face-to-face and online seminars, symposiums and workshops, should also continue, as they had a significant impact on the domestic legislation of States.

96. **Mr. Bagherpour Ardekani** (Islamic Republic of Iran) said that the principle of State immunity was one of the cornerstones of the international legal order and a rule of customary international law, most recently codified in the United Nations Convention on Jurisdictional Immunities of States and Their Property. Its primacy had been recognized by the community of nations, all legal systems and the International Court of Justice. With the sole possible exception of commercial activities, claims against a sovereign State must be pursued either in accordance with mechanisms provided for in bilateral or multilateral agreements or through international courts or tribunals. It was a matter of grave concern that a few countries seemed to believe that they could defy the fundamental principle of State immunity by unilaterally waiving the immunity of States under a groundless legal doctrine not recognized by the international community. Such misuse of legal instruments amounted to an internationally wrongful act and entailed the responsibility of the concerned States, including the responsibility to make full reparations for the damages incurred. While each State had the sovereign right to shape its own model of the rule of law, domestic law could not be applied unilaterally to extraterritorial matters.

97. The Committee's deliberations had given rise to significant conventions, which had in turn strengthened the international order. That important function of the Committee should be sustained in a spirit of inclusivity and transparency. Failure to respect those principles

would result in the fragmentation of international law, undermine multilateral legal frameworks and ultimately weaken the rule of law at the international level.

98. The United Nations should do its utmost to raise awareness of international law, as doing so would make it more difficult for States to disregard legal precepts. The United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law had an important role to play in fulfilling that function.

99. The formulation of international law had failed to keep pace with developments in technology and the increasing sophistication of international relations. However, the main challenge to the rule of law was not the lack of appropriate norms, but rather the prevalence of unilateralism, disregard for international law and disrespect for the common interest of the international community. Reviewing that approach would be a first step towards achieving a rule-based international order. His delegation hoped that the forthcoming report of the Secretary-General on strengthening and coordinating United Nations rule of law activities would avoid the shortcomings of the current report and address the challenges facing the rule of law at the international level, namely foreign occupation, aggression, unilateral intervention and unilateral coercive measures.

Statements made in exercise of the right of reply

100. **Ms. Chernysheva** (Russian Federation) said that the delegation of Ukraine had used all of the Main Committees in order to make the same anti-Russian provocations. The tragedy unfolding in eastern Ukraine was a result of a large-scale military operation that had been carried out in 2014 by the Kyiv authorities against their own people. The delegation of Ukraine had referred to the International Criminal Court, which had not, since its inception, proved to be either effective or impartial. Nonetheless, her Government hoped that it would act objectively in the case in question and pay close attention to the flagrant crimes committed by Ukrainian forces against civilians in south-eastern Ukraine, crimes that had been documented in detail by the Office of the United Nations High Commissioner for Human Rights and international non-governmental organizations.

101. **Mr. Mohammed Al-Thani** (Qatar) said that at the 6th meeting of the Committee, held on 5 October 2017, the representative of the Syrian regime had made spurious, mendacious and propagandistic accusations against his country. The Syrian regime lacked any legitimacy, and its crimes had caused and exacerbated the rise of Islamic State in Iraq and the Levant (ISIL). Its record was in stark contrast with that of Qatar, which had played an effective and groundbreaking role in promoting justice and accountability in Syria by supporting the establishment of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. Qatar had led initiatives to tackle the roots of terrorism and violent extremism, and had joined the Global Coalition to Counter ISIL. It would not be deterred from fulfilling its religious and ethical duty by combating impunity and supporting the Syrian people.

102. **Mr. Al Arsan** (Syrian Arab Republic) said that certain delegations persisted in politicizing certain agenda items in a manner that was neither professional nor transparent. The representative of Qatar appeared to be unaware of the rules of procedure of the General Assembly. If he persisted in using derogatory terms to denote the Government of the Syrian Arab Republic and the Permanent Mission of the Syrian Arab Republic, the latter would reserve the right to respond in kind. Every day, the Syrian Arab Army and its allies had crushed dozens of terrorists belonging to ISIL and the Nusrah Front, terrorists whom the Government of Qatar had supported funded and armed. On 15 August 2017, it had emerged that two charities working as a front for Qatari intelligence had channelled $15 million to the Nusrah Front on Syrian territory.

103. On 27 November 2016, in an interview with the Reuters news agency in Doha, the Minister for Foreign Affairs of Qatar, Mohammed bin Abdulrahman Al-Thani, had said that Qatar would continue to arm rebels in Syria, even if the President of the United States put an end to United States support for the multinational effort. That statement effectively recognized that Qatar was supporting terrorists and would continue to do so. On 11 May 2015, in an interview with the newspaper *Le Monde*, the Minister for Foreign Affairs of Qatar at the time had said that realism required moderate rebels to work with the Nusrah Front. That notion of realism was an affront to international law. Did the representative of Qatar wish to deny that those statements reflected his Government's position?

104. The so-called Global Coalition to Counter ISIL was illegal, and had in fact done everything but combat ISIL. For instance, it had looked on while ISIL smuggled Syrian oil to Turkey and deployed convoys between Syria and Iraq. The coalition had also killed thousands of Syrian civilians, destroyed infrastructure and bombed Syrian Arab Army positions in Jabal

Thardah, thereby helping ISIL to maintain its siege of Dayr al-Zawr.

105. **Mr. Mohamed Al-Thani** (Qatar) said that the representative of the Syrian regime had, as was customary, used the United Nations to slander responsible Member States in an effort to justify the fascist repression unleashed by the Syrian regime. The International, Impartial and Independent Mechanism for the Syrian Arab Republic had been established in order to ensure that any party violating human rights in Syria would be held accountable. The vast majority of such crimes, including several attacks using chemical weapons, were the work of the Syrian regime. Qatar reserved the right to make additional comments in writing at a later stage.

106. **Mr. Al Arsan** (Syrian Arab Republic) said that the representative of the Qatari regime was in no position to hold forth on the topic of legitimacy. While professing to oppose terrorism, Qatari officials had also expressed support for the Nusrah Front and suggested that their definition of terrorist groups differed from that of other actors. By pressing for the establishment of the Mechanism, the Qatari regime had sought to support terrorism and undermine the political process. The position of the Government of the Syrian Arab Republic on that topic had been made clear in the letter dated 20 February 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General (A/71/799).

The meeting rose at 6.15 p.m.